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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARSHA BYRD,

Plaintiff

v.

JOSEPH Z. GERSTEN, et al.,

Defendants

Case No.: 2:22-cv-01951-JAD-NJK

**Order Dismissing Action  
without Prejudice**

[ECF No. 6]

Plaintiff Marsha Byrd initiated this civil rights action under 42 U.S.C. § 1983 but failed to file a complete application to proceed *in forma pauperis* or pay the full \$402 filing fee.<sup>1</sup> U.S. Magistrate Judge Nancy Koppe ordered Byrd to file a complete application or pay the full \$402 filing fee.<sup>2</sup> In response, Byrd filed a motion to voluntarily dismiss her case.<sup>3</sup> No screening order has yet been issued.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”<sup>4</sup> Because no responsive pleading has been filed in this case, IT IS ORDERED that the motion for voluntary dismissal [ECF No. 6] is **GRANTED**, and this case is dismissed without prejudice. The Clerk of the Court is directed to CLOSE THIS CASE.

  
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U.S. District Judge Jennifer A. Dorsey  
February 28, 2023

<sup>1</sup> ECF Nos. 1, 1-1.

<sup>2</sup> ECF Nos. 3, 5.

<sup>3</sup> ECF No. 6.

<sup>4</sup> Fed. R. Civ. P. 41(a)(1)(A)(i).